

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 26 and 57 are currently being amended. Claims 17-25 and 50-56, previously had been cancelled without prejudice or disclaimer. No new matter is added. Claims 1-16, 26-49 and 57-69 are pending.

Claims 1-16, 43-49, 62-65 and 66-69 have been allowed. Those claims remain in the application, in their allowed form.

Claims 26-30, 33-42 and 57-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Goode, JR, et al. (U.S. Pat. Publ. No. 2005/0043598). In addition, claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being obvious over Goode, JR, et al. (U.S. Pat. Publ. No. 2005/0043598) in view of Riedel (U.S. Pat. No. 6,069,011).

This rejection is respectfully traversed as follows. Also, while the claims are believed to be distinguished from the Goode, JR, et al. reference as discussed below, Applicant points out such distinctions without prejudice to (and with reservation of) the right to seek to swear behind the Goode, JR, et al. reference.

In particular, as amended, claim 26 recites a method for calibrating a sensor, where the method includes:

- receiving a plurality of data values from the sensor;
- determining the reliability of each data value of the plurality of data values;
- discarding further data values received after receiving at least two data values within a predefined period of time that are determined to be unreliable;
- filtering the plurality of data values that have not been discarded and that are received before receipt of the at least two data values within the predefined period of time that are determined to be unreliable; and
- adjusting an output of the sensor using the filtered data values.

In contrast to claim 26, Goode, JR, et al. do not disclose or suggest determining the reliability of each of a plurality of received data values, and discarding further data values received after receiving at least two data values within a predefined period of time that are determined to be unreliable, yet filtering the plurality of data values that were received prior to

the receipt of at least two unreliable data values within a predefined time period, and adjusting a sensor output using the filtered data values. Instead, Goode, JR, et al. describe detecting transient artifacts in a data stream from a sensor and replacing at least some artifacts with estimated signal values. (See, e.g., Fig. 8 of Goode, JR, et al.). Accordingly, it is submitted that claim 26, as amended herein, is patentably distinguished over the Goode, JR, et al. reference.

Similar comments apply to claim 57. That claim recites an apparatus for calibrating a sensor, where the apparatus includes:

- means for receiving a plurality of data values from the sensor;
- means for determining the reliability of each data value of the plurality of data values;
- means for discarding further data values received after receiving at least two data values within a predefined period of time that are determined to be unreliable;
- means for filtering the plurality of data values that have not been discarded and that are received before receipt of the at least two data values within the predefined period of time that are determined to be unreliable; and
- adjusting an output of the sensor using the filtered data values.

Accordingly, for reasons similar to those discussed above with respect to claim 26, it is submitted that claim 57 is also patentably distinguished over the Goode, JR, et al. reference.

The rejection of claims 26 and 57 is, therefore, respectfully traversed.

Each of claims 27-42 and 58-61 are dependent (directly or indirectly) on one of claims 26 and 57. Accordingly, each of the dependent claims 27-42 and 58-61 is patentably distinguished from the references of record (including the Goode, JR, et al.) reference, at least for reasons as discussed above with respect to base claims 26 and 57, as well as for reasons apparent from the language of those dependent claims.

With respect to dependent claims 31 and 32, the Riedel reference does not address the above-noted distinctions between the base claim 26 and Goode, JR, et al. (but, instead, was cited by the Examiner as describing first and second order derivatives). Accordingly, the rejections of claims 27-42 and 58-61 is respectfully traversed.

Applicant believes that the present application is now in condition for allowance.

Favorable reconsideration of the application as amended is respectfully requested. The Examiner

is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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